

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RANDY K. HOWARD and JOANNA K. HOWARD,)	CIVIL NO. 10-00020 LEK-KSC
)	
Plaintiffs,)	
)	
vs.)	
)	
WELLS FARGO BANK, N.A., AS)	
TRUSTEE, FOR OPTION ONE LOAN)	
TRUST 2007-CP1 ASSET BACKED)	
CERTIFICATES, SERIES 2007-)	
CP1; OPTION ONE MORTGAGE;)	
DOES 1 through 20, inclusive,)	
)	
Defendants.)	
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ORDER OF DISMISSAL

On November 7, 2011, this Court issued an entering order ("11/7/11 EO") noting that Plaintiffs Randy K. Howard and Joanna K. Howard (collectively "Plaintiffs") and Defendant Wells Fargo Bank, N.A., as Trustee, for Option One Loan Trust 2007-CP1 Asset Backed Certificates, Series 2007-CP1 ("Wells Fargo") stipulated to dismiss all claims against the appearing parties. [Minute Order, filed 11/7/11 (dkt. no. 27); Stip. & Dismissal of All Claims & All Appearing Parties & Order, filed 7/7/11 (dkt. no. 25).] The stipulation, however, did not address Plaintiffs' claims against Defendant Option One Mortgage ("Option One"). The 11/7/11 EO noted that Plaintiffs apparently had not completed service on Option One, and Option One has never entered an appearance in this case. The Court ordered Plaintiffs to file a

declaration showing good cause for the failure to serve Option One. The Court cautioned Plaintiffs that, if they failed to file their declaration by December 7, 2011 or if their declaration failed to establish good cause for the failure to serve Option One, this Court would dismiss the Complaint against Option One and close this case.

Plaintiffs failed to respond to the 11/7/11 EO by December 7, 2011. Plaintiffs have not shown good cause for their failure to serve Option One within 120 days after filing the Complaint, as required by Fed. R. Civ. P. 4(m). Plaintiffs' claims against Option One are therefore DISMISSED WITHOUT PREJUDICE. Insofar as there are no other claims in this case, the Clerk's Office is hereby directed to close the case.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, December 27, 2011.



/S/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

**RANDY K. HOWARD, ET AL. V. WELLS FARGO BANK, N.A., ET AL; CIVIL
NO. 10-00020 LEK-KSC; ORDER OF DISMISSAL**